

EXHIBIT 1

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: JUUL LABS, INC. PRODUCT
LITIGATION

CASE NO. 18-cv-02499-WHO

**DECLARATION OF JAKE HONIG IN
SUPPORT OF DEFENDANT JUUL LABS,
INC.'S MOTION TO COMPEL
ARBITRATION**

Hon. William H. Orrick

Hearing Date: May 22, 2019
Hearing Time: 2:00 p.m.
Hearing Place: Courtroom 2, 17th Floor

Action Filed: April 26, 2018

Trial Date: None Set

DECLARATION OF JAKE HONIG

I, Jake Honig, declare as follows:

1. I am currently employed as Vice President of Digital for JUUL Labs, Inc. (“JLI”). I make this declaration in connection with JLI’s Motion to Compel Arbitration. In my position as Vice President of Digital for JLI, I have access to and personal knowledge of the matters and information set forth in this declaration, and if called upon to testify thereto, can and would competently do so. In this role, I have personally reviewed company records of user account activity, such as account creation and past online purchases. I am knowledgeable about the process by which such records are created and stored, about the types of data stored in such records, and about the ways such records are accessed and used by JLI.

2. JLI is a San Francisco-based technology company that designs, manufactures, and markets Electronic Nicotine Delivery Systems (“ENDS”), including the JUUL device and JUULpods. JLI sells some of its ENDS products to third-party distributors and retailers who in turn sell them to consumers. JLI also sells some ENDS products directly to consumers online through its website. JLI is the only authorized seller of JUUL products online. To purchase JUUL products on JLI’s website, a user must first undergo third-party age verification. In the regular course of JLI’s business, JLI’s website automatically and contemporaneously generates records of users’ online account activity, such as account creation, age verification, and online purchases. These records include the dates on which user accounts were created and the dates on which any online purchases were made. JLI retains these records and relies upon their accuracy in the course of its ordinary sales and marketing activities.

3. To process transactions through JLI’s website, users must first create an online account, and existing customers must log in to their account. Based on my review of these company records, JLI accounts have been created and registered on behalf of David Masessa, Ron Minas, Jack Roberts, and Michael Viscomi:

- Online account registration was completed on behalf of Mr. Masessa on January 22, 2015. Mr. Masessa’s account was accessed again on February 13, 2018, March 12, 2018, and April 6, 2018. Attached as **Exhibit A** is a true and correct copy of the registration and login screen that Mr. Masessa would have seen when he logged into his online account on February 13, 2018, March 12, 2018, and April 6, 2018. Below the “Sign Up” and “Log In” buttons that the customer must

activate to proceed with online account creation and logging in, respectively, is a notice and link to JLI's Terms of Service, which reads, "By registering with JUUL Labs Inc., you agree to our Terms and Conditions and Privacy Policy." If the user clicks on the link to the Terms and Conditions, they will be displayed.

- Online JLI account registration was completed on behalf of Mr. Minas on August 4, 2018. Attached as **Exhibit B** is a true and correct copy of the registration and login screen that Mr. Minas would have seen when he registered his online account on August 4, 2018. Immediately below the "Sign Up" button that the user must activate to proceed with online account creation is a notice and link to JLI's Terms of Service, which reads, "By registering with JUUL Labs Inc., you agree to our Terms and Conditions and Privacy Policy." If the user clicks on the link to the Terms and Conditions, they will be displayed.
- Online JLI account registration was completed on behalf of Mr. Roberts on November 7, 2017. Mr. Roberts' account was accessed again on March 25, 2018. Attached as **Exhibit A** is a true and correct copy of the registration and login screen that Mr. Roberts would have seen when he logged into his online account on March 25, 2018. Below the "Sign Up" and "Log In" buttons that the customer must activate to proceed with online account creation and logging in, respectively, is a notice and link to JLI's Terms of Service, which reads, "By registering with JUUL Labs Inc., you agree to our Terms and Conditions and Privacy Policy." If the user clicks on the link to the Terms and Conditions, they will be displayed.
- Online JLI account registration was completed on behalf of Mr. Viscomi on March 7, 2018. **Exhibit A** is a true and correct copy of the registration and login screen that Mr. Viscomi would have seen when he registered his online account on March 7, 2018. Immediately below the "Sign Up" button that the user must activate to proceed with online account creation is a notice and link to JLI's Terms of Service, which reads, "By registering with JUUL Labs Inc., you agree to our Terms and Conditions and Privacy Policy." If the user clicks on the link to the Terms and Conditions, they will be displayed.
- I also understand that Plaintiff Hasnat Ahmad alleges that he logged into JLI's website on February 27, 2018. Attached as **Exhibit A** is a true and correct copy of the registration and login screen that Mr. Ahmad would have seen when he did so. Below the "Sign Up" and "Log In" buttons that the customer must activate to proceed with online account creation and logging in, respectively, is a notice and link to JLI's Terms of Service, which reads, "By registering with JUUL Labs Inc., you agree to our Terms and Conditions and Privacy Policy." If the user clicks on the link to the Terms and Conditions, they will be displayed.

Each of these Plaintiffs therefore saw the notice that "[b]y registering with JUUL Labs Inc., you agree to our Terms and Conditions and Privacy Policy" when they created and/or logged into their online accounts. If a user clicked on the link to the Terms and Conditions, they would have displayed. Attached as **Exhibit C** is a true and correct copy of JLI's Terms and Conditions effective June 29, 2017, and in effect through August 2018.

4. JLI's Limited Warranty is made available on its website. A true and correct copy of JLI's Limited Warranty, effective October 19th, 2017 and in effect when each of these Plaintiffs agreed to the Terms and Conditions as described above, is attached as **Exhibit D**.

1 5. In November 2018, JLI further strengthened the age verification on its e-commerce
2 platform by implementing two-factor authentication for all new and existing JUUL.com accounts,
3 and incorporating facial recognition technology to analyze a user's personal photo in addition to his
4 or her government-issued identification.

- I declare under penalty of perjury under the laws of the United States that the foregoing is true
and correct.

Executed on this 26th day of March, 2019, in San Francisco, California.

By: _____

Jake Honig

EXHIBIT B



Sign in

Log In:

[Forgot Password?](#)

LOG IN

New to JUUL? Sign Up:



SIGN UP

By registering with JUUL Labs, Inc., you agree to our [Terms and Conditions](#) and [Privacy Policy](#).